

REMARKS

After entry of this response, claims 22, 29, 30, 36, 42, 43, 46, 47, 54, and 55 remain pending in the present application. No new claims have been added to the application. Applicants would like to thank Examiner Vo for the personal interview granted on September 15, 2006, to Dr. Peter Duquette and Applicant's representatives John Dolan, Matthew Graham, and Mia Mendoza. The response may be considered as both a summary of the issues discussed during the interview and a response to the outstanding Office Action. Applicants requests reconsideration by the Examiner in light of the amendment above and the following remarks.

Claim Rejections

Swan '075 does not anticipate or make obvious claims 54 and 55.

The Examiner maintained the rejection of claims 54 and 55 under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) as being anticipated or obvious over U.S. 5,414,075 to Swan et al. ("'075").

The Examiner appears to concede that the coating formed by immobilization discussed in the '075 is patentably different than the coating formed by grafting reagents as claimed in the present application. However, the Examiner has indicated that structural differences must be explicitly included in the claim. Although Applicant believes that structural differences are inherent to the method by which the coating is formed, and, accordingly, that the pending product by process claims capture these differences, it has amended the pending claims to add an explicit structural difference in order to advance this application to allowance at the earliest possible date.

Specifically, Applicant has amended every pending independent claim to recite that "a desired porosity of the porous support surface is preserved after the polymerization of the

monomers.” Preserving the desired porosity of the surface is discussed within Applicant’s specification, for example, at page 6, lines 12-20. Applicant asserts that this is a structural difference compared to immobilized coatings because coatings created by grafting reagents as presently claimed are thinner and less dense, which allows them to coat a porous surface without substantially occluding the pores. Such a structure is important for certain devices, such as emboli collection devices, that must retain their porosity to be effective. Applicant will directly compare the coatings as presently claimed and the immobilized coatings taught in the ‘075 patent to present objective evidence to the Examiner of these structural differences in a forthcoming affidavit.

Swan ‘698 in view of Swan ‘075 does not render obvious claims 22, 29, 30, 36, 42, 43, 46, 47, 54, or 55.

The Examiner rejected claims 22, 29, 30, 36, 42, 43, 46, 47, 54, and 55 as being obvious over U.S. 6,077,698 to Swan (‘698) in view of the ‘075 patent. Swan ‘698, like Swan ‘075, discloses the immobilization of a pre-formed polymer coating. As just discussed regarding claims 54 and 55, the structural differences between products formed by initiating polymerization of monomers from the surface as in Applicants’ claims, and products formed by immobilizing pre-formed polymers on a reagent attached to a surface as in the ‘075 and ‘698 patents are nonobvious. However, as set forth above, Applicant has amended the independent claims to recite that a desired porosity of the porous support surface is preserved after the polymerization of the monomers.

Swan '994 in view of Swan '075 does not render obvious claims 54 and 55.

Claims 54 and 55 require a nonpolymeric grafting reagent having four photoinitiator groups attached to a nonpolymeric core molecule. The Office Action cites claim 28 of the '994 patent as disclosing such a species, but claim 28 only describes "a coating agent comprising *two or more* photoreactive species." Column 31, Lines 2-3. The Office Action contends that claim 28 discloses at least four photoinitiator groups as presently claimed.

The '994 patent does not disclose a surface that is coated with a polymer that is grown with a reagent that includes at least four photoinitiator groups. Although the claims of the '994 patent contain the open ended language "two or more photoreactive species," the '994 patent does not disclose a reagent with at least four photoinitiator groups as presently claimed. Accordingly, this language does not anticipate reagents with four photoinitiator groups. Further, it is inappropriate to combine the reagents described in the '075 patent with the coatings described in the '994 patent, because, as discussed above, the '075 patent describes an immobilized polymer coating rather than a coating polymerized on the surface. Having at least four photoinitiator groups is useful for polymerizing a monomer on a surface because it increases the sites available to initiate polymerization of the monomer to produce a uniform coating. Accordingly, Applicant respectfully requests prompt allowance of these claims.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

If the Examiner believes that an Examiner's amendment would put this application in condition for allowance or would like to discuss this submission for any reason, Applicants would welcome the Examiner's input and respectfully request a telephonic interview. The Examiner may contact the undersigned at (612) 492-7256 to schedule such an interview if necessary.

Dated: Sept. 25, 2000

Respectfully submitted,



Matthew J.S. Graham
Registration No. 54,647

Customer No. 22859
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425 USA
Telephone: (612) 492-7000
Facsimile: (612) 492-7077

4086333_1.DOC